



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

November 17, 2017

System No. 5010039

Mr. Patrick Garvey, District Engineer
Western Hills Water District/Diablo Grande Water System
9501 Morton Davis Drive
Patterson, CA 95363

TRANSMITTAL OF CITATION NO. 01_10_17C_017 FOR FAILURE TO DELIVER CONSUMER
CONFIDENCE REPORT BY JULY 1, 2017

Dear Mr. Garvey,

The Western Hills Water District/Diablo Grande Water System (hereinafter "Diablo Grande") (No. 5010039) failed to deliver the Consumer Confidence Report by July 1, 2017, and failed to submit the Certification of Delivery form by October 1, 2017, as specified in Title 22, Sections 64480(a) and 64483(c) respectfully. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01_10_17C_017, in response to this violation. The Citation is being transmitted to Diablo Grande under cover of this letter.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code section 116625) or Article 9 (commencing with Health and Safety Code section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at Brian.Kidwell@waterboards.ca.gov, or by phone at (209) 948-3963.

Sincerely,

Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments: Citation No. 01_10_17C_017

Certified Mail No. 7004 2890 0002 0057 9676

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FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov

1 Morton Davis Driver, Patterson, CA 95363) for violation of California Code of
2 Regulations (CCR), Title 22, Sections 64480(a) and 64483(c).

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116650 of California Health and Safety Code provides:**

6
7 (a) If the Division determines that a public water system is in violation of this chapter
8 or any regulation, permit, standard, citation, or order issued or adopted thereunder,
9 the Division may issue a citation to the public water system. The citation shall be
10 served upon the public water system personally or by certified mail. Service shall be
11 deemed effective as of the date of personal service or the date of receipt of the
12 certified mail. If a person to whom a citation is directed refuses to accept delivery of
13 the certified mail, the date of service shall be deemed to be the date of mailing.

14
15 (b) Each citation shall be in writing and shall describe the nature of the violation or
16 violations, including a reference to the statutory provision, standard, order, citation,
17 permit, or regulation alleged to have been violated.

18
19 (c) A citation may specify a date for elimination or correction of the condition
20 constituting the violation.

21
22 (d) A citation may include the assessment of a penalty as specified in subdivision (e).

23
24 (e) The Division may assess a penalty in an amount not to exceed one thousand
25 dollars (\$1,000) per day for each day that a violation occurred, and for each day that a
26 violation continues to occur. A separate penalty may be assessed for each violation.



1 **California Code of Regulations, Title 22, Section 64480, subsection (a) provides,**
2 **in relevant part:**

3
4 (a) Except as provided in subsection (b), each community and nontransient-
5 noncommunity (NTNC) water system shall prepare and deliver the first Consumer
6 Confidence Report by July 1, 2001, and subsequent reports by July 1 annually
7 thereafter. The first Consumer Confidence Report shall contain data collected during,
8 or prior to, calendar year 2000, as prescribed by section 64481(d)(1). Each Consumer
9 Confidence Report thereafter shall contain data collected during, or prior to, the
10 previous calendar year.

11
12 **California Code of Regulations, Title 22, Section 64483, subsection (c) provides,**
13 **in relevant part:**

14
15 (c) No later than the date the water system is required to distribute the Consumer
16 Confidence Report to its customers, each water system shall mail a copy of the report
17 to the State Board, followed within 3 months by a certification that the report has been
18 distributed to customers, and that the information is correct and consistent with the
19 compliance monitoring data previously submitted to the State Board.

20
21 **STATEMENT OF FACTS**

22 The Diablo Grande water system is operated under Water Supply Permit No. 01-10-
23 17P-013, which was issued on September 12, 2017.

24
25 The Diablo Grande water system is located in Stanislaus County, approximately 10
26 miles to the southwest of the City of Patterson in the master planned community of
27 Diablo Grande. The community is situated in the previously undeveloped rolling

1 foothills west of Interstate Highway 5. The water system is classified as a community
2 water system that serves primarily residential customers living within Diablo Grande's
3 service area. The water system serves approximately 846 people through 483
4 service connections.

5
6 Diablo Grande's raw water supply is obtained from the Delta of the San Joaquin and
7 Sacramento Rivers. The State Water Project diverts water from Old River in the Delta
8 to the Clifton Court Forebay. From the Clifton Court Forebay, water flows through a
9 three-mile intake channel to the Harvey Banks pumping plant. The pumping plant is
10 the head works of the California Aqueduct, which conveys water into Bethany
11 Reservoir. From Bethany Reservoir, the source water flows 35 miles through the
12 California Aqueduct to the turnout that serves the Diablo Grande raw water pumping
13 plant. The intake to the surface water treatment plant (hereinafter "SWTP") is located
14 in the California Aqueduct, at a point west of the City of Patterson. There are four
15 pumping stations to lift the water from the turnout at the California Aqueduct to the
16 SWTP. These four pumping stations move the water a horizontal distance of
17 approximately 43,800 feet, and lift the water a vertical distance of 960 feet to the
18 Diablo Grande SWTP. The installed treatment equipment includes two parallel
19 ACTIFLO water clarification and filtration systems with rated capacities of 1.0 MGD
20 per system; however, one system provides required redundant treatment capacity.
21 Aluminum sulfate 48%, or an alternate coagulant combination, is added to the water
22 as it enters the coagulation stage of the ACTIFLO water treatment plants. After
23 clarification and filtration of the water, it is chlorinated as it flows into the clearwell at
24 the treatment plant. From the clearwell, the water is pumped to a 1.0 MG treated
25 water storage tank on a hill at an elevation of 1,484 feet. Ammonia is added as the
26 water flows out of the clearwell to chloramine the water. The 1.0 MG treated water
27 storage tank is equipped with an aeration system to remove Total Trihalomethanes

1 (TTHMs) from the finished water. From the 1.0 MG tank, water flows to the
2 distribution system by gravity.

3
4 Diablo Grande failed to distribute its Consumer Confidence Report (CCR), to its
5 consumers, by July 1, 2017. Diablo Grande also failed to submit the CCR
6 Certification of Delivery form to the Division by October 1, 2017.

7
8 Specifically, on October 16, 2017, the Division emailed Diablo Grande and informed
9 the water system that the Division had not received a copy of its CCR nor a copy of
10 the CCR Certification of Delivery form. Diablo Grande responded to the email asking
11 for a few days to track everything down, as the person who normally handles the CCR
12 was on medical leave. On October 24, 2017, the Division followed up with Diablo
13 Grande asking for an update on the CCR and the Certification Form. After no
14 response, the Division followed up a second time on October 26, 2017, asking for an
15 update and reminding Diablo Grande of Section 64483 of the California Drinking
16 Water Regulations. Diablo Grande responded to the second follow-up email stating
17 that they should have a copy of the CCR and Certification by October 27, 2017. On
18 October 28, 2017, Diablo Grande submitted its CCR and Certification via email.
19 According to the email, "Unfortunately, due to a change in administrative staffing,
20 WHWD was not 100% positive that the CCR was sent out in July, therefore we resent
21 the CCR this last week (most likely a second time)." After reviewing the CCR and
22 Certification form it was determined that the Certification form was completed
23 incorrectly. The Division returned the Certification form, and directed Diablo Grande
24 to revise the Certification form and resubmit. On November 3, 2017, Diablo Grande
25 submitted the revised Certification form via email. According to the email, "WHWD
26 staff was not 100% sure that it was sent out in July, so they sent it out again this



1 month." According to the revised Certification form, Diablo Grande certifies that its
2 CCR was distributed to its customers on October 25, 2017.

3 4 **DETERMINATION**

5 The Division has determined that Diablo Grande failed to comply with the
6 requirements of Sections 64480(a) and 64483(c) due to the fact that Diablo Grande
7 failed to distribute its Consumer Confidence Report by July 1, 2017, and that it failed
8 to submit the Consumer Confidence Report Certification of Delivery form to the
9 Division by October 1, 2017.

10 11 **DIRECTIVES**

12 Diablo Grande is hereby directed to take the following actions:

- 13
- 14 1. By December 31, 2017, Diablo Grande shall submit a plan that includes details
15 to ensure that the water system promptly responds to all inquiry's, and/or
16 requests from the Division. The Plan shall also include details to ensure Diablo
17 Grande meets all requirements set forth in the California Code of Regulations,
18 such as but not limited to Consumer Confidence Report delivery requirements
19 and Consumer Confidence Report Certification of Delivery form requirements.

20
21 The Division reserves the right to make such modifications to this Citation as it may
22 deem necessary to protect public health and safety. Such modifications may be
23 issued as amendments to this Citation, and shall be deemed effective upon issuance.

24
25 Nothing in this Citation relieves Diablo Grande of its obligation to meet the
26 requirements of the California Safe Drinking Water Act, or of any regulation, permit,
27 standard, or order issued or adopted thereunder.

1
2 All submittals required by this Citation shall be submitted to the Division, via electronic
3 delivery, at the following address:

4
5 Brian.Kidwell@waterboards.ca.gov
6

7 **PARTIES BOUND**

8 This Citation shall apply to and be binding upon Diablo Grande, its officers, directors,
9 shareholders, agents, employees, contractors, successors, and assignees.

10
11 **SEVERABILITY**

12 The Directives of this Citation are severable, and Diablo Grande shall comply with
13 each and every provision thereof, notwithstanding the effectiveness of any other
14 provision.

15
16 **FURTHER ENFORCEMENT ACTION**

17 The California SDWA authorizes the Board to: issue citation with assessment of
18 administrative penalties to a public water system for violation or continued violation of
19 the requirements of the California SDWA or any permit, regulation, permit or order
20 issued or adopted thereunder including, but not limited to, failure to correct a violation
21 identified in a citation or compliance order. The California SDWA also authorizes the
22 Board to take action to suspend or revoke a permit that has been issued to a public
23 water system if the system has violated applicable law or regulations or has failed to
24 comply with an order of the Board; and to petition the superior court to take various
25 enforcement measures against a public water system that has failed to comply with
26 violates an order of the Board. The Board does not waive any further enforcement
27 action by issuance of this citation.



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11/17/17

Date

BSP

Bhupinder S. Sahota, P.E.,
District Engineer, Stockton District
Division of Drinking Water
State Water Resources Control Board

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